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# The messy reality of organised crime research

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## **The Messy Reality of Organised Crime Research**

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# The Messy Reality of Organised Crime Research

Nafis Hanif and Mark Findlay<sup>1</sup>

## Introduction

We call it a *messy reality* if unhelpful dualities, false dichotomies and distracting normative commitments compromise the role of research in understanding crime business. The paper describes a fresh approach to the study of crime business, unburdened of much of the conventional organised crime<sup>2</sup> thinking which, we argue, has deflected a balanced understanding of criminal enterprise particularly in Asia.

The analysis starts out by confronting and exposing the ideological motivations for dualism in conventional organised crime research. In order to suggest a cognitive pathway beyond this restrictive normative frame, it is essential to appreciate its potency and resilience. Law enforcement language buoyed up by popular culture representations of gangs, syndicates and crime bosses have become the accepted starting point for much research in the field (Brotherton 2008). Research from this perspective, we suggest, plays its own part in organised crime mystification and as such retards the critical utility of enterprise theory.

Next the paper shows how distracted and distorted theorising infects research methodology and its conclusions. We advance an alternative relationship between theorising and method so that resultant analysis approach crime business as it is, and not as law enforcement perspectives want us to believe it to be.

The paper concludes by propounding an integrated theoretical perspective without the distraction of duality. Based on our field experience, we formulate and introduce the two-napkins methodology which is a dynamic, interactive and multi-dimensional framework for understanding criminal enterprise. The potential transportability of the two-napkins methodology to ethnographic studies and researches on the sociology of organisations, families, discrimination will be addressed.

## The Foundations of Dialectical Tensions in Organised Crime Theorisation

Contemporary organised crime analyses and research methodologies are replete with the dichotomised representations of businesses, markets and stake-holders. The functions of criminal enterprise are positioned along the axis of 'legal' or 'illegal', 'functional' or 'dysfunctional' and 'orderly' or 'disorderly'. These dualisms have been historically

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<sup>2</sup> In an attempt to somewhat overcome the definitional and theoretical challenge surrounding the meaning, nature and conceptualisation of organised crime, we have drawn on Albanese's work. Albanese's (2004, p. 4) definition of organised crime is as follows:

Organised crime is a continuing criminal enterprise that rationally works to profit from illicit activities that are often in great public demand. Its continuing existence is maintained through the use of force, threats, monopoly control, and/or the corruption of public officials.

institutionalised through principal analytical frameworks in criminology like positivism, Merton's social structure and anomie paradigm, subcultural studies and the 'crime control' law enforcement perspective. This section will show that dialectical theorisations conceal the dynamic reality of criminal networks<sup>3</sup> and enterprises, and stunt efforts to realistically appreciate organised crime as business (Morselli & Giguere 2006).

Positivists view criminal groups as necessarily 'dysfunctional' units to be distinguished from the 'functional' nature of legitimate institutions and markets. Theoretically criminal groups are unavoidably 'dysfunctional' since they are founded on loose and disorderly associations of 'criminals' with low intelligence and 'pathological' personalities, being afflicted with biological or psychological deficiencies, and socio-pathies, differentiable from 'normal' conformists (see Yablonsky 1966; Hirschi & Hindelang 1977; Herrnstein & Murray 1994). Criminal groups are contexts through which crime and deviance can be unreservedly pursued by groups of individuals with inherent psycho-social deficiencies (Wilson & Herrnstein 1986). Criminal organisations are theoretically devoid of ordered structure, rational culture, and entrepreneurial orientation.<sup>4</sup> Positivist dichotomies prevail despite the absence of evidence to prove that members of criminal groups are afflicted with psycho-social maladies that predispose them to violence more so compared to the general population of youth from poor areas, or that an association exists between joining a criminal group and low intelligence (Sánchez-Jankowski 2003).

In "Social Structure and Anomie" Merton (1938, p. 676) perpetuates dialectical tensions in our understanding of organised crime with a taxonomy of 'innovation'/criminality and 'conformity' as mutually exclusive responses to anomie. Merton's (1938, p. 673) anomie results from 'overtly emphasised culturally-prescribed goals unattenuated by an equally intense accent on the institutional or socially-approved means for achieving those goals, within a social structure where individuals have differential access to institutional means to culturally prescribed goals'. Individual capacity to access the institutional means to attain cultural goals within a particular social structure can be potentially facilitated or strained by a myriad of ascribed or achieved statuses. 'Innovators'/criminals adapt to anomie by accepting culturally prescribed goals but rejecting and substituting orthodox institutional means with the most expedient 'innovative' means, including crime, to pursue cultural goals. Merton conceptualises innovators as 'outsiders', whose ideology, values and group-sanctioned behaviour constitute an inversion of mainstream, middle-class culture that is assumed to be uniformly accepted by conformists.

Merton's paradigm gave birth to the theoretical foundation of subculture studies. Merton's concept of outsiders prompts the fixation of subcultural ethnographies to describe and analyse the culture of 'innovators' as a unique social system that is unequivocally opposed to the presumably homogeneous middle-class culture embraced by 'conformists' in the legitimate sector of society (Cohen 1955). Bourgois (2003, p. 8) conceptualises organised criminal culture as 'street culture' that he describes as 'a complex and conflicting web of beliefs, symbols, modes of interaction, values and ideologies that emerge in the opposition to exclusion from mainstream society'. It is a lifestyle of violence, substance abuse and internalized rage, with drug dealing as the material base. 'Street culture' is an alternative forum employed by marginalised people as a structure of rewards, gains, profits and sanctions for autonomous personal dignity. The ecological approach of social disorganization

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<sup>3</sup> The "criminal network" of an illegal entrepreneur refers to 'all those individuals he or she encounters in the course of his or her criminal activities who are in a position to influence the success or failure of that criminal enterprise' (von Lampe 2001, p. 132).

<sup>4</sup> 'Entrepreneurial orientation refers to the processes, practices (proactiveness, risk taking behaviour and innovativeness) and decision-making activities used by entrepreneurs that lead to the initiation of an entrepreneurial enterprise' (Gottschalk 2009, p. 14).

theory cemented the rigid divide between the 'illegitimate' and 'legitimate' sectors of society (see McKenzie 1924; Park & Burgess 1924; Shaw & McKay 1942). Social disorganisation theory identifies poverty, racial heterogeneity, and the failure of legitimate, regulatory institutions (schools, businesses, policing, families), as typical traits of communities with high crime rates. This perspective draws on social control theory to explain the salience of those characteristics in promoting collective crime (Shaw & McKay 1942). Organised criminal groups and culture are theorised as derivatives of the 'subversive' socialisation of criminals within the dysfunctional, illegitimate context of society, which is assumed to be geographically bounded from the orderly, legitimate sector of society (Whyte 1955, p. xv). Separating society into a legitimate and an illegitimate sector is reinforced by the law enforcement assertions that the relationship between the police and organised crime groups is normatively and behaviourally oppositional. Werthman and Piliavin (1967, p. 75) coined the concept 'ecological contamination' to encapsulate their findings that the underlying hostility between criminal groups and the police emerges because either occupy separate cultural and structural conditions which induce their different responses to, and perceptions of each other, and of the law. Ecological contamination contradicts recurrent qualitative findings that suggest a symbiotic relationship between corrupt regulators (police, politicians) and organised crime groups to facilitate the profitability, sustainability and expansion of criminal enterprises (see Sellin 1963; Ruth 1967; Ruggiero 2002). It perpetuates a fragmented understanding of organised crime to protect the ideological role and image of the police as frontline combatants against organised crime (Whish 2003, p. 454). Nevertheless the placement of law enforcement agents at the intersection between the legitimate and illegitimate spheres of society confirms the ideology, authority (and negotiability) of distinctive knowledge the law enforcement 'voice' advances over more critical academic research assertions. This placement enables these regulators to monopolise and distort knowledge regarding the reality and extent of their involvement as cross-over agents<sup>5</sup> in regulating criminal enterprise, facilitating the flow of illegal commodities between the legitimate and illegitimate sectors of society, and promoting the globalisation of criminal enterprise through discretionary patronage and application of the law.

We will show through the case-study method described below that dualistic understandings promoted in conventional organised crime theorisations cumulatively results in fragmented and distorting research conclusions about organised criminal networks.

### **Theory over Methodology: The Negative Repercussions of Integrating Theoretical Dichotomies into Qualitative Methodologies for Researching Organised Crime**

The dialectical understanding of collective criminality, criminal culture, markets and sectors of society (Edwards & Levi 2008), fosters and reinforces the validity of, single variable analytical frameworks. Law enforcement investigations into the organised crime problem, for example, are preoccupied with ascertaining whether organized crime groups are hierarchically structured or loose networks of criminal associates and whether their organisation in particular ways pose external threats to otherwise 'licit' political-economies (Edwards & Levi 2008, p. 364). Subculture ethnographies, whose analytical focus is the identification of taxonomies to describe organised crime groups (as ethnically-based, indigenous or non-indigenous, hierarchically structured or networked), are concerned with the regularities, common patterns and distinguishing features of organised crime groups,

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<sup>5</sup> Cross-over agents here corresponds to Murphy and Robinson's (2008, p. 502) concept of "maximizers" referring to 'individuals who simultaneously use and incorporate legitimate and illegitimate means of opportunity in the pursuit of profit and/or monetary gain'.

where these groups operate and in what markets (Edwards & Levi 2008, p. 366). In the resultant constrained research agenda the researchers' focus is channelled towards the mundane and distinctive features of illegitimate markets and sectors of society in terms of preconceived single variable analytical frameworks whether in terms of positivist biology, subculture's race and class or social disorganisation's ecology.

The influence of dialectical tensions over the scope of contemporary organised crime inquiry and the prevalence of single variable analytical frameworks despite their limited explanatory power and coverage confirms the way earlier theorisations shrouds a "verstehen" methodology (Cohen 1980)<sup>6</sup>. The negative impact of dichotomies on verstehen understanding is exemplified by the law enforcement perspectives that formulate 'the authorised account' of organised crime, concentrating as it does on members occupying lower rungs of the organised crime group. This focus, rather than a holistic appreciation of all levels of the business and their key players, accommodates a prevailing law and order discourse at the expense of distorting the reality of crime as business. Violence, racial division, ethnic rivalry, organisational secrecy, mystical loyalty, and more violence typify the law enforcement representations of Asian crime business, and these are exemplified at the lower level of the organisation (Chin 1996). Yet, they are atypical of profitable crime business as a total enterprise.

Therefore, the researcher's conscious or subconscious mis-interpretation of qualitative data because of preconceived subcultural prejudices, denies a verstehen understanding of the criminal network, confirmed by these compromised sampling frames. Epistemological discussions about the validity, objectivity and credibility of qualitative data on criminal networks and enterprises are typically critiques of the observational status of and knowledge provided by, 'innovators'/insiders of organised crime as opposed to 'conformists'/outsiders of organised crime<sup>7</sup>. 'Insiders' of organised crime, referring to members of organised crime groups, are assumed to (1) monopolise access to knowledge of various aspects of organised crime and (2) be endowed with special insight into matters necessarily obscure to others, thus possessed of a penetrating discernment. Merton (1972) defines the insider-outsider position as an epistemological principle centred on the issue of access and whether insiders of organised crime/innovators can provide a unique perspective that can never be penetrated by an outside/conformist participant observer. The covert nature of organised criminal groups, activities, networks, markets and businesses induces researchers to assume that only members of organised crime groups can provide intimate or insider knowledge of organised crime.

By depending on the perspective of overly accessible marginal members in the business network, such 'pigeon-hole sampling' creates stylised and alien market perspectives of criminal enterprise that co-incidentally confirm the insider/outside, legitimate/illegitimate divide, but only as an ideological rather than a methodological tool. Researchers who adopt a pigeon-hole sampling wrongly claim the self-sufficiency of the 'insider' perspective for understanding collective criminality, criminal network and enterprises. Such a claim ignores qualitative evidence that 'insiders' within a particular criminal organisation do not constitute a homogenous category and their knowledge of the intricacies of criminal networks and the operationalisation of criminal enterprise is fragmented and relative to the position they

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<sup>6</sup> Weber's (1968) "verstehen" relates to the belief that there is objectively knowable meaning behind human action and interaction and functions as a directive to achieve insight into the social components of the participant's interpretative framework and perceptual processes.

<sup>7</sup> Insiders refer to an individual who possesses intimate knowledge of the community and its members due to previous and ongoing association with that community and its members.

occupy within the hierarchical structure of the group (see Levitt & Venkatesh 2000; Venkatesh 2008). Despite the almost impossible task of gaining access to individuals occupying leadership roles in criminal organisations who speak with authority and not mystery about criminal networks and enterprises, qualitative researchers celebrate the insider perspective, even with only the telescoped knowledge offered by an exclusive population sample of typically accessible 'insiders' like members occupying the lower rungs of criminal groups or leaders of petty gangs.

This divide between 'insider' and 'outsider' in pigeon-hole sampling is challenged by the more holistic appreciations of criminal networks and organised crime, interactive, comparative and dynamic as it is revealed in our the piracy case-study. Exclusive focus on rank and file members of organised crime groups, condemns the representation of organised crime to a moralised 'us-versus-them' narrative wherein legitimate commerce is the unwilling victim of criminal infiltration, long-suffering regulators are out-numbered and out-muscled by a foreign threat and good business is raped by a trade that has no moral limits. This is particularly so where racist stereotyping constructs the engagement between criminology theorising and more conventional market analysis (Soudjin & Kleeman 2009). Portrayed this way criminal enterprise is divorced from and destructive of legitimate commerce. Smith (1980, p. 361) argues that the institutionalisation of the dichotomy, business versus crime, through our terminology and statistical categories blinds us to the legal-illegal continuum of enterprise.

### **Resisting Dialectical Tensions and Rectifying Methodology**

An important strategy we adopted in our research for resisting false dichotomies and resultant methodological distortion was to construct a holistic theorisation of organised criminal enterprise and networks, rejecting pigeon-hole sampling. This section details our ethnographic study of the Omega gang in the Singapore prisons, and from their investigating the organisation of broadcast media piracy in the Malaysian state of Kuala Lumpur. The methodological framework for researching organised crime can be re-imagined to facilitate validation, a *verstehen* appreciation of data and to encourage reflexivity in the theorising process. Our method grows from lower rank gang interrogation to incorporate the higher structures of knowledge governing crime syndicates doing profitable crime business.

Our ethnographic study of the Omega gang in the Singapore prisons sampled both insiders and outsiders. We conceptualised 'outsiders' as individuals or groups of people who had no interest in claiming membership as 'insiders' but whose interactions with 'insiders' were systematic (as opposed to incidental and functional) within the specific context of crime business facilitation, and regulatory cross-over. The outsiders we sampled include members of Chinese secret societies in prison, ex-Omega members who subsequently became affiliated with Chinese secret societies, prison officers and guards and inmates who are unaffiliated with any criminal group. Insiders comprised members occupying various ranks within the hierarchical structure of the Omega gang. This inclusive sampling strategy facilitated the contextualisation of Omega's socio-economic status vis-à-vis established Chinese secret societies within Singapore society in order to:

- 1) deconstruct the ideology of ethnic affiliation among 'Malay-Muslims' as the sole reason for Omega's establishment,
- 2) understand the prison context as Omega's stronghold for recruiting members to facilitate the group's expansion,
- 3) explain why Omega members target Malay-Muslim members of Chinese secret societies for violent confrontations, and

- 4) investigate the incongruence between the anti-Chinese sentiment espoused by low ranking Omega members and the cooperative relationship Omega leaders claim to secure with an established Chinese syndicate in Kuala Lumpur (Hanif 2008).

Interview responses from rank and file Omega members regarding the reasons underlying the gang's formation, their perception of Malay-Muslim members of Chinese secret societies, and the gang's interaction with Chinese criminal groups generally revolved around a racialised discourse. Omega was portrayed as an organisation that prevents the victimisation of Malay-Muslims from the tyranny of Chinese secret society members and induces Malay-Muslim members of Chinese secret societies to be conscious of their socio-economic marginalisation vis-à-vis their Chinese counterparts (Hanif 2008, p. 2). The responses of these rank and file insiders reflected their status as subjects of false consciousness, whose solidarity to the group was a consequence of obligatory ideologies perpetrated by gang leaders. These gang members were largely ignorant of the extent and dynamics of criminal enterprise beyond their limited involvement. Alternatively, the perspective of outsiders like ex-Omega members who shifted their allegiance to established Chinese secret societies challenges Omega's racial and religious ideologies. The primary reasons for leaving the gang was cited by ex-Omega members as including the failure of Omega's leaders (1) to provide its members with any regular or significant pecuniary advantages, (2) to redress the unstable socio-economic status of the gang relative to established Chinese criminal organisations and (3) to secure a symbiotic relationship with corrupt regulators whose patronage will ease the regulatory sanctions over Omega members. To promote solidarity among Omega members and to protect the integrity of the gang where steady business profit is illusive or illusory, Omega's leaders exploit ethnic and religious affiliation among its lower ranked members, to further mask their ignorance of how the criminal enterprise really functioned, and to distract attention away from issues of commercial vulnerability. To these lower gang members it all seemed to be about race, patronage, instability and violent encounters.

Data gathered from low-ranking members of criminal organisations, who are predisposed to petty conflicts as a demonstration of masculine bravado, direct confrontations with social control agents and inter-gang conflict at an everyday level emphasise disorder, dysfunction and limited understandings of an enterprise perspective. Low ranking Omega members were vehement in their derision of Malay Muslim members of Chinese criminal groups as 'infidels' and traitors to their race, in their animosity towards the 'Chinese' syndicate that dominates the piracy trade in Kuala Lumpur and Singapore, and their frustration with the Chinese syndicate that curtails Omega's struggle to operate an independent criminal business. Our interviews with Omega leaders on the other-hand emphasised the necessity to deal with a socio-economically dominant Chinese syndicate in Kuala Lumpur in order to secure a subordinate collaborative relationship and to receive a financial slice of the piracy trade. Without the patronage of corrupt regulators, Omega members are subject to regulatory sanctions, which hinder the gang's orderly and organised pursuit of, and involvement in the media piracy, and further condemns them to low order service delivery in another network's trade. Leaders of Omega offer the Malaysian syndicate leader a portion of their profits for the right to market syndicate-produced pirated digital versatile discs (DVDs) throughout various locations like train stations, bus stations and housing estates in Singapore. The Malaysian syndicate leader benefits economically from the 'royalty' paid by street-corner gangs who market their products within Malaysia as well as internationally. This enterprise structure confirms that the visible 'insider' status and positioning of individuals is not synonymous with a monopolistic access to knowledge about organised criminal enterprise as some naive researchers assume. There is no complete understanding of the enterprise



without an integrated and holistic engagement with the crucial levels of its business structure.

Two factors from our ethnographic study of the Omega gang strengthen belief in an inclusive sampling frame to understand the complex criminal networks that facilitate the profitability, sustainability and globalisation of the Malaysian broadcast media piracy trade. First is learning about Omega's function as franchisers of syndicate-produced pirated DVDs of Hollywood, Bollywood and Chinese blockbusters which directs us to explore the networks facilitating media piracy beyond the unilateral perspective of the dominant syndicate leader. Second is the recognition that insider knowledge regarding the organisation of the media piracy trade and the intricacies of criminal networks that support piracy is not uniformly distributed either:

- 1) throughout the ranks of any particular criminal entity whether the syndicate or the Omega street-corner gang or
- 2) among criminal entities whether the syndicate of the Omega gang within the illegitimate sector of society.

Researching criminal networks based on the organisation of the media piracy enterprise requires a methodological inquiry into the negotiated cooperative relationships between groups of social actors integral to the profitability, sustainability, 'orderability' and advancement of media piracy as a national, regional and international criminal enterprise. The profit-generating and market-sustaining potential of these relationships became apparent from qualitative interviews with the syndicate leader, leaders and foot soldiers of the Omega gang and cross-over agents including the police, custom officers and directors of the Malaysian Film Censorship Board (MFCB).

'Outsiders' in the form of corrupt regulators who negotiate and interact directly and systematically with leaders of the syndicate and the Omega gang, but who are not members of these organisations *per se*, possess a cross-market view of crime business and what distinguishes the grey porous barrier of market legitimacy. The perspective of these corrupt regulators, as insiders depending on the aspect of the piracy business they facilitate and as outsiders unaffiliated with any organised crime groups, possess the capacity to illuminate the contextual variables necessary for the profitability and practicality of the media piracy enterprise, and crucially to its consumer persistence and normalcy. The insights offered by a couple MFCB directors focused our inquiry into the syndicate leader's strategies to ensure the marketability of syndicate-produced pirated DVDs over legitimate products and the burgeoning pirated DVD market operated by individuals and criminal groups, to the satisfaction of normalised consumer demands<sup>8</sup>. The process of negotiating the interests of the directors of MFCB in order to obtain original copies of new film releases is of paramount importance to the syndicate leader, in ensuring a lucrative enterprise of piracy, through a loyal and recurrent consumer market. Following an acceptance of a financial settlement from the syndicate leader, corrupt police officials exercise their cooperative and facilitative role in the piracy venture by executing the following tasks:

- to overlook the illicit relationship between the syndicate leaders and the directors of the MFCB, which facilitates the enterprise of piracy and violates copyright law,
- to exploit their rank, status and authority to eliminate potential disruptions posed by other criminal entities that attempt to subvert the arrangement among the syndicate, directors of the film censorship board and the police.

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<sup>8</sup> The MFCB directors elaborated that the production of high quality pirated DVDs, marked by visual and sound clarity, is systematically achievable only by duplicating original copies of new films released to the MFCB, a ministry of the Malaysian government in charge of vetting all films.

The crime boss in turn deals with the politicians and senior regulators crucial for the profit of his trade as might any legitimate businessman.<sup>9</sup> His capacity for seamless cross over between the transaction of social and commercial legitimacy is indicative of his status in the 'two societies' and the eventual normalcy of this crime business.

Our qualitative investigation into the enterprise of broadcast media piracy revealed that the profitability, sustainability and globalisation of the market-oriented media piracy trade are dependent on the illicit negotiations prompted by the syndicate leader to bring about the following:

- 1) the corruptibility of regulators like Malaysian police, politicians, custom officers and the Film Censorship Board to enhance consumer satisfaction and syndicate dominance over the piracy trade,
- 2) consumer normalisation of the illegitimacy of selling, distributing and consuming pirated DVDs as a global enterprise on the basis of prevalence, convenience and price-sensitivity, and
- 3) the collaboration of the Omega street-corner gang as franchisers of the syndicate-produced pirated DVDs in neighbouring countries like Singapore and Thailand.

Participants in the media piracy network cross-over boundaries of class, race, gang membership, and bridge the legitimate and illegitimate commercial and political sectors of society to establish a collaborative relationship by negotiating their asymmetrical social capital, according to a conventional commercial cost-benefit analysis. Contrary to the violence and disorder that typically characterise descriptions of Asian organised crime, the narrative of Omega leaders exposes the ordered and functional organisation of the illegitimate Malaysian markets for the sale and distribution of pirated materials. While Omega's rank and file celebrate violence and intimidation, in network reality these ways of doing business are seen as disorderly and are disvalued and discouraged at the decision-making end of the enterprise. Data gathered from the syndicate leader reveals dynamic negotiations to be the primary mode of conflict resolution among key players within the enterprise of piracy to protect the stability of criminal business.

During participant observation in nightclubs owned by the syndicate leader, we witness the commercial interaction between the syndicate leader, Omega's leaders and corrupt regulators, both the police and a few directors of the MFCB, and were also able to engage them in informal conversation to gain insight into their negotiated collaboration with the syndicate leader. The similarities between this and any normal trade negotiation in the legitimate market were remarkable.

### **The 'Two Napkins' Methodology: Defeating and Adapting Duality**

The need to manage distracting duality about crime business as essentially disorderly and confrontational is a strong argument for developing a multi-variant and comparative research methodology with capacity to interrogate crucial sites to reflect the internal organisation of criminal enterprise. Such a comparative research frame requires viewing crime business from cross-over agency perspectives to the extent that non-member maximisers comfortably make the switch without/within to facilitate profitability and market share.

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<sup>9</sup> This 'cross-over' is harder to distinguish when political patronage and public sector corruption is a common feature of doing any profitable business in Malaysia.

What is the significance of 'napkin'<sup>10</sup> imagery within this theoretical model? As a typically large rectangular cloth that is folded lengthwise or breadth-wise into a series of smaller rectangular flaps the napkin offers a variety of interconnected and overlapping research contexts. The process of folding the large rectangle cloth into smaller rectangle flaps creates pressed boundaries that distinguish one flap from another and which are imprinted on the cloth. The larger rectangular cloth and the series of rectangle flaps that are shaped from the cloth through the folding process is analogous with interactive research fields. One napkin is a patchwork of integrated segments (which could be seen as individual research variants) requiring cross-over and interconnection for the purposes of the napkin to be understood. A three dimensional approach is offered when two napkins are juxtaposed and here symbolise say the gang structure and then the syndicate.

Within the two-napkin methodology each large rectangle cloth represents the structure terrain and context of a particular group of social actors, legitimate or illegitimate. These boundaries are traversable but at the same time determine the appearance and purpose of the cloth. In the case of piracy each rectangle cloth could represent the entire structure of the syndicate, the Omega gang, or the entire ranks of cross-over agents (police, custom officers, and personnel from the Malaysian Film Censorship Board). Each smaller rectangle flap within the large rectangle cloth represents various perspectives (or variants in method terms) of the enterprise dynamic, whether race, gender, language, class, biology, business type, rank, etc through which a researcher may interpret and analyse the actions of social actors within a particular community (or its enterprise). For the purposes of our piracy research, one large rectangle napkin represents the Omega gang. As we have seen in the above section, qualitative interviews with members occupying the rank and file positions within the gang's hierarchy reveal the salience of race and religion to explain the limits of their collective behaviour and how they view it. Interviews with Omega leaders reveal the wider commercial enterprise characteristics and individual market conditions such as consumer preference, supply assurance, access, and price sensitivity, to explain their actions (e.g. their negotiations with the syndicate leader to assume a subordinate role in the piracy trade by franchising syndicate-produced DVDs in Singapore). In the case of the large rectangle cloth representing the Omega gang, the smaller rectangle folds would then become the analytical tools such as race, gender, religion and enterprise to explain the collective behaviour of Omega members occupying various ranks throughout the gang's hierarchical organisation.

The various flaps within a single napkin are dependent on what surround them in that different perspectives may be most applicable in making sense of the discourses and the lived realities of members occupying various ranks within a particular group or community. The comparative dimension, flap to flap and napkin on napkin transcends a single research space or a single group, occupation, or subculture under investigation. Where the method achieves its true capacity is micro to macro comparison. Criminal enterprise is neither single layered nor bi-lateral. Business analysis demands a multi-dimensional frame, and one which follows the dynamic of business relationships of power and dependency.

Any attempt to understand the organisation of criminal or legitimate business must focus on at least two groups of dynamically interacting social actors, communities or enterprise frames. Ethnographies of particular criminal entities make little sense without including a second napkin. Comparative possibilities include:

- analysing inter-gang relations,

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<sup>10</sup> Inspiration comes in strange situations and over coffee is not uncommon. The use of napkins as an analogy is purely incidental as the authors happened to be engaged in a conversation at the recently demolished BB's Café in the University of Sydney Union, when this methodological framework was born.

- the interaction between a criminal organisation and the community of which it is a part,
- parts of the business to each other,
- service gangs and umbrella syndicates,
- business to the consumer, and
- a criminal organisation to law enforcement agents, and the markets they regulate.

Social control perspectives are distracting and distorted without advancing an analysis of the interaction between discretionary law enforcement and its impact on criminal entities. Subculture studies are premised on two napkins since criminal culture is often compared or juxtaposed with dominant market culture. However, conventionally such analysis tends to stop at bi-lateral comparison. Any attempt to unravel the chain of a criminal network that facilitate criminal business and to theorise organised crime begins with an analysis of at least two communities in interaction with one another.

Something resembling the two-napkin interactive and comparative methodology is indispensable in a context where the research attempts to grasp the dynamic interaction among groups of social actors who cooperate in the interest of facilitating criminal enterprises or any other ancillary venture (legitimate business, political campaigns), the nature of that cooperation, its basis and how it is established. Our work envisages criminal enterprise as an interactive, integrated and dynamic field of commercial relationships and arrangements. This field flows across a range of regulatory situations and 'boundaries of permission'. The resultant crime opportunities in a business sense are as a consequence, adaptable to the conditions of market profit as may be any legitimate commercial endeavour. They need to be researched as such. At the risk of simply hinting at the dimensions of a comparative aspirations for enterprise theory they are these:

- Within the context of the gang and the syndicate it is crucial to employ two napkins methodology, breaking free of a single variant, mono-perspective analytical tool, whether race, gender, class, religion, to research the emergence, organisation, legitimacy and authority of a particular criminal entity;
- In our analysis between the syndicate and the Omega gang at the meso level, two napkins methodology isolates the analytical tools that explain the motivation of the Omega gang to negotiate a subordinate position to the syndicate, the reason for the syndicate allowing the Omega gang to franchise its DVDs, and the way this relationship of dependency leads to essential service delivery and facilitation, determines power relations, defining the organisational structure of each criminal entity;
- Analysing the interaction between syndicate leaders and corrupt regulators at the macro level, two napkins methodology illuminates the way the regulatory market frames are negotiated and utilised for individual and collective benefit, as well as for determining and certifying market boundary meanings;
- Two napkins methodology enables a comparison between legitimate enterprise and criminal business, specifically the commercial interests and arrangements that eventuate in a profitable crime business and its proliferation/perpetuation in order to dissolve stylised representations of criminal business as disorderly and dysfunctional (antithetical to legitimate business).
- Across complementary business enterprises, recognising particularly in market positioning and capital sourcing in trade relations, enterprises (legitimate and illegitimate) collaborate and compete. Where do illegitimate arrangements form the linkages for these relations?
- Two napkins method dissolves the insider/outsider dichotomy that has typically plagued the sampling process, repositioning the epistemological debate surrounding the validity, credibility and objectivity of insider versus outsider data, and moving on

to a new methodological consideration of the research mission with cross-over at its centre.

Distinguishing between illegitimate and legitimate market representation is not the reason for or the reality of the two napkins analysis. An interrogation of the way that the flaps inter-relate, and then how the different communities negotiate their business interests and positioning, denies a rigid duality based on simple regulatory or normative identity and distinction. Looking back from the voice of cross-over agents shows how it is the interleaving and layering of the napkins into a multi-levelled interactive methodology that the confusions of past research methods fall away. Finally, the masking function of duality-based research is implicit in napkin on napkin, without searching out the interactive dynamics of the flaps to the total cloth.

## Bibliography

Anderson, E 1999, *Code of the Street: Decency, Violence, and the Moral Life of the Inner City*, W.W. Norton, New York.

Albanese, JS 2004, *Organised Crime in Our Times*, 4th edn, Anderson Publishing, Cincinnati, OH.

Brotherton, DC 2008, 'Beyond Social Reproduction: Bringing Resistance Back in Gang Theory', *Theoretical Criminology*, vol. 12, no. 1, pp. 55-77.

Brunson, R & Miller, J 2006, 'Young Black Men and Urban Policing in the United States', *British Journal of Criminology*, vol. 46, no. 4, pp. 613-640.

Bourgois, P 2003, *In Search of Respect: Selling Crack in El Barrio*, Cambridge University Press, Cambridge.

Chin, K 1996, *Chinatown Gangs: Extortion, Enterprise and Ethnicity*, Oxford University Press, New York.

Cloward, R & Ohlin, L 1960, *Delinquency and Opportunity: A Theory of Delinquent Gangs*, Free press, Glencoe, IL.

Cohen, AK 1955, *Delinquent Boys: The Culture of the Gang*, Free Press, Glencoe, IL.

Cohen, S 1980, *Folk Devils and Moral Panics: The Creation of the Mods and Rockers*, Martin Robertson, Oxford.

Edwards, A & Levi, M 2008, 'The Organization of Serious Crimes: Developments in Research and Theory', *Criminology and Criminal Justice*, vol. 8, no. 4, pp. 363-388.

Gottschalk, P 2009, *Entrepreneurship and Organised Crime*, Edward Elgar, Cheltenham, UK.

Hanif, NM 2008, *Prison in Society, Society in Prison: Analysing Omega's Racially Structured Realities Within and Beyond*, MA thesis, National University of Singapore, Singapore.

Herrnstein, RJ & Murray, C 1994, *The Bell Curve: Intelligence and Social Class in American Life*, Free Press, New York.

Hirschi, T & Hindelang, MJ 1977, 'Intelligence and Delinquency: A Revisionist Review', *American Sociological Review*, vol. 42, no. 4, pp. 571-587.

Levitt, S & Venkatesh SA 2000, 'An Economic Analysis of a Drug-Selling Gang's Finances', *The Quarterly Journal of Economics*, vol. 115, no. 3, pp. 755-789.

Mckenzie, RD 1924, 'The Ecological Approach to the Study of the Human Community', *American Journal of Sociology*, vol. 30, no. 3, pp. 287-301.

Merton, RK 1938, 'Social Structure and Anomie', *American Sociological Review*, vol. 3, no. 5, pp. 672-682.

- Merton, RK 1972, 'Insiders and Outsiders: A Paper in the Sociology of Knowledge', *American Journal of Sociology*, vol. 78, no. 1, pp. 9-47.
- Morselli, C & Giguere, C 2006, 'Legitimate strengths in criminal networks', *Crime, Law, and Social Change*, vol. 45, no. 2, pp. 185-200.
- Murphy, D & Robinson, M 2008, 'The Maximizer: Clarifying Merton's Theories of Anomie and Strain', *Theoretical Criminology*, vol. 12, no. 4, pp. 501-521.
- Park, RE & Burgess, EW 1924, *Introduction to the Science of Sociology*, The University of Chicago Press, Chicago, IL.
- Ruggiero, V 2002, 'Introduction- Fuzzy Criminal Actors', *Crime, law and Social Change*, vol. 37, no. 3, pp. 177-190.
- Ruth, HS 1967, 'Why Organised Crime Thrives', *Annals of the American Academy of Political and Social Science*, vol. 374, no. 1, pp. 113- 122.
- Sánchez-Jankowski, M 2003, 'Gangs and Social Change', *Theoretical Criminology*, vol. 7, no. 2, pp. 191-216.
- Sellin, T 1963, 'Organised Crime: A Business Enterprise', *Annals of the American Academy of Political and Social Science*, vol. 347, no. 1, pp. 12-19.
- Shaw, C & McKay, H 1942, *Juvenile Delinquency and Urban Areas*, University of Chicago Press, Chicago, IL.
- Soudijn, MJ & Kleemans, ER 2009, 'Chinese organized crime and situational context: comparing human smuggling and synthetic drugs trafficking', *Crime, Law and Social Change*, vol. 52, no. 5, pp. 457-474.
- Tombs, S & Whyte, D 2003, 'Unmasking the crimes of the powerful', *Critical Criminology*, vol. 11, no. 3, pp. 217-236.
- Venkatesh, SA 2008, *Gang Leader for a Day: A Rogue Sociologist Crosses the Line*, Allen Lane, London.
- Weber, M 1968, *Economy and Society: An Outline of Interpretive Sociology*, Bedminster Press, New York.
- Werthman, C & Piliavin, I 1967, 'Gang Members and the Police', in D Bordua (ed.), *The Police: Six Sociological Essays*, John Wiley, New York.
- Whish, R 2003, *Competition Law*, 5th edn, Lexis Nexis, London.
- Whyte, WF 1955, *Street Corner Society: The Social Structure of an Italian Slum*, University of Chicago Press, Chicago, IL.
- Wilson, JQ & Herrnstein, RJ 1986, *Crime and Human Nature*, Simon & Schuster, New York.